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Genping Yang
302 Prospect Street
Vermillion, SD 57069

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JUL 10 2002

In re Application of
Ristic et al.
Application No. 09/810,764
Filed: 16 March, 2001
For: MAIZE CHLOROPLAST PROTEIN SYNTHESIS ELONGATION FACTORS AND METHODS OF USE
FOR SAME

OFFICE OF PETITIONS

Dear Mr. Yang:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Douglas I. Wood at 703/308-6918. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

MCKEE, VOORHEES & SEASE, P.L.C.
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OFFICE OF PETITIONS

In re Application of : DECISION ACCORDING STATUS
Ristic, Bhadula, Yang, Elthon, and : UNDER 37 CFR 1.47(a)
Habben : AND
Application No. 09/810,764 : DECISION DISMISSING PETITION
Filed: 16 March, 2001 : UNDER 37 CFR 1.84(b)
Attorney Docket No. P03965US1 : AS MOOT

This is in response to the renewed petition filed under 37 CFR 1.47(a)¹ on 24 June, 2002 (certificate of mailing date 18 June, 2002). This is also a decision on the petition under 37 CFR 1.84(b) to accept black and white photographs as drawings, filed on 14 January, 2002 (certificate of mailing date 22 October, 2001).

The petition under 37 CFR 1.47(a) is **GRANTED**.

The petition under 37 CFR 1.84(b) is **DISMISSED AS MOOT**.

Petitioners have shown that the non-signing inventor cannot be found. Specifically, petitioners have shown that a copy of the application sent to the non-signing inventor's last known address was returned as undeliverable by the U.S. Post Office. The declaration of facts by counsel's legal secretary, Patricia E.

¹A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C.

§§ 115 and 116;

(3) the petition fee; and

(4) a statement of the last known address of the non-signing inventor.

Wilson, establishes that despite attempts made to locate the non-signing inventor, the inventor could not be located.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a)... This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

Effective 4 August, 1998, a petition and petition fee are no longer required in order to accept black and white photographs in lieu of drawings.² A copy of the Official Gazette publication of this change is attached. The petition will therefore be considered a request to accept black and white photographs in lieu of drawings. The petition is hereby dismissed as moot. The petition fee of \$130.00 will be credited to counsel's deposit account, No. 26-0084.

After this decision is mailed, the above-identified application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.



Douglas I. Wood
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Encl: 1213 O.G. 108

²See 1213 Off. Gaz. Pat. Off. 108 (August 4, 1998).